

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
) Criminal No. 15-236
v.)
)
) Judge Cathy Bissoon
EDWARD HICKS,)
)
)
) Defendant.
)

ORDER

Defendant's Motion (Doc. 119) for compassionate release, based on Covid-19 related health concerns, will be denied.

Defendant previously filed a materially similar Motion, Doc. 96, and it was denied. Doc. 110. That ruling is the law of the case. Defendant has failed to allege, let alone show, that his circumstances have changed to warrant revisiting the matter. His present positions already have been rejected, and the Court incorporates the reasoning in its prior Order.¹

Even assuming Defendant could clear the hurdles regarding law of the case; that he has exhausted administrative remedies; and that his medical conditions warrant a finding of extraordinary circumstances – he has failed to convince the Court that release is warranted in light of the factors in Section 3553.

Defendant was convicted of conspiracy to possess with the intent to distribute, and to distribute, 28 grams or more of cocaine base. *See* Judgment (Doc. 78). He was sentenced to 188 months imprisonment, and presently has over 8 years remaining on his sentence.

¹ The Court acknowledges that, at the time of his prior Motion, Defendant was housed at FCI Hazelton, and he presently is located at FCI Loretto. Although the prior Order's discussions regarding FCI Hazelton no longer are apposite, the remainder of the Court's analyses independently warranted a denial of Defendant's request, and they continue to do so.

See Doc. 126 at 1. Defendant's criminal history is significant, and he committed the instant offense while under a prior criminal justice sentence. *See* PSR (Doc. 69) at pg. 10 of 19, ¶ 31.

At bottom, the Court concludes that a grant of the relief requested would be inconsistent with considerations regarding Defendant's criminal history, the very serious nature of his offense and the needs for just punishment and deterrence.

For these reasons, along with the others identified in the government's opposition (Doc. 126), Defendant's Motion (**Doc. 119**) is **DENIED**.

IT IS SO ORDERED.

September 26, 2022

s\Cathy Bissoon

Cathy Bissoon
United States District Judge

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